

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)  
ACT, 1991

No. 43 OF 1991

[19th September, 1991.]

An Act further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short  
title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 2nd day of May, 1991.

Amend-  
ment of  
section  
197.

2. In section 197 of the Code of Criminal Procedure, 1973,—

2 of 1974.

(a) in sub-section (1), to clause (b), the following proviso shall be added, namely:—

‘Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression “State Government” occurring therein, the expression “Central Government” were substituted.’;

(b) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(3A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(3B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance

taken by a court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991, receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in the State, shall be invalid and it shall be competent for the Central Government in such matter to accord sanction and for the court to take cognizance thereon."